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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYRONE P. JAMES,

Plaintiff

v.

YORK COUNTY POLICE
DEPARTMENT, AGENT JAMES H.
MORGAN, DET. RICHARD
PEDDICORD, DET. RAYMOND E.
CRAUL, SGT. GENE FELS, DET.
KESSLER, C/O BAYLARK, DET.
ANTHONY GLOWCZEWSKI, AGENT
RANDY SIPES, AGENT BRIAN
WESTMORELAND

Defendants :

No. 1:CV-01-1015

(Judge Kane)

(Magistrate Judge Mannion)

FILED
HARRISBURG, PA
MAR 19 2003
MARY E. D'ANDREA, CLERK
Per

DEFENDANTS OBJECTIONS TO THE REPORT
AND RECOMMENDATION OF THE MAGISTRATE JUDGE
DATED MARCH 13, 2003

Defendants, hereby file the following objections to the Report and Recommendation ("R&R") of the Magistrate Judge dated March 13, 2003.


1. The Magistrate Judge erred in recommending that Defendants' motion to dismiss Defendants Morgan, Peddicord, Craul, Fells, and Kessler from the Fourth Amendment claim of excessive use of force should be denied. (See pgs. 9-10 of the R&R).
2. The Magistrate Judge's Recommendation that the Eighth Amendment excessive bond issue should survive against Defendants Morgan,

Peddicord, Craul, Fells, Kessler, Westmoreland and Glowczeski is erroneous. (See pg. 13 of the R&R).

WHEREFORE, the Magistrate Judge's recommendation to deny Defendants' motion to dismiss concerning the Fourth Amendment excessive use of force, the Miranda warnings and the excessive bond issue should not be adopted and, instead, the Court should grant Defendants' motion to dismiss on these issues.

**Respectfully submitted,
D. MICHAEL FISHER
Attorney General**

By:


**LINDA S. LLOYD
Deputy Attorney General
I.D. #66720**

**Office of Attorney General
15th Floor, Strawberry Square
Litigation Section
Harrisburg, PA 17120
(717) 705-7327**

**SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section**

COUNSEL FOR DEFENDANTS

Dated: March 19, 2003

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(Magistrate Judge Mannion)


CERTIFICATE OF SERVICE

I, Linda S. Lloyd, Deputy Attorney General for the Commonwealth of Pennsylvania, hereby certify that on March 19, 2003, I served a true and correct copy of the foregoing Defendants' Objections to the Report and Recommendation of the Magistrate Judge dated March 13, 2003 and Brief in Support of the Objections, by causing it to be deposited in the United States Mail, first-class postage prepaid to the following:

**Tyrone P. James EX9451
SCI-Rockview
P.O. Box A
Bellefonte, PA 16823-0820**

**Donald L. Reihart, Esq.
Law Office of Donald L. Reihart
2600 Eastern Blvd., Suite 204
York, PA 17402**

Malachy E. Mannion
United States Magistrate Judge
U.S. District Court
235 North Washington Ave.
P.O Box 1148
Scranton, PA 18501


LINDA S. LLOYD
Deputy Attorney General